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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,548	05/03/2005	Guido Mennicken	23239	6978

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EXAMINER
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BOOSALIS, FANI POLYZOS

ART UNIT	PAPER NUMBER
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2884

MAIL DATE	DELIVERY MODE
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07/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/534,548

Applicant(s)

MENNICKEN ET AL.

Examiner

Faye Boosalis

Art Unit

2884

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10,12-14,16 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10,12-14,16 and 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**Response to Amendment**

1. The amendments filed 30 March 2007 has been entered.
2. Claims 3,11,15 and 17-18 are cancelled.

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gonzalez et al (US 6,380,547 B1)*.

Regarding claims 1 and 22, Gonzalez discloses a method of coding information (i.e. marking) on articles, the method comprising the step of writing on an object (i.e. article) a code containing the information in a fluorescent dyestuff that does not fluoresce in a visible spectral range (See Abstract and col. 1, lines 54-65, col. 5, lines 19-26) and a device for reading the code applied to the article (col. 2, lines 25-43). Although Gonzalez does not specify disclose the visible spectral range of 400 to 700 nm in which the fluorescent dyestuff does not fluoresce, Gonzalez does disclose coding information on the object is optically invisible and difficult to detect. Therefore, it would have been obvious Gonzalez et al utilizes fluorescent dyestuff that does not fluoresce within the visible spectral range as stated supra since the coding is optically invisible.

Regarding claim 2, Gonzalez discloses a method characterized in that a fluorescent dyestuff (i.e. laser luminophore) is used which fluoresces within a few

nanoseconds up to several hundred milliseconds following excitation with energy-rich light (col. 5, lines 20-26).

5. Claim 4-12 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gonzalez et al* (US 6,380,547 B1) as applied to claim 1 above, and further in view of *Oshima et al* (US 6,303,929 B1).

Regarding claim 4, Gonzalez et al discloses all of the limitations of the parent claim 1, as described above. However, Gonzalez et al are silent with regards to the compound of the fluorescent dyestuff.

Oshima et al. discloses a method of detecting a mark containing a fluorescent substance wherein a compound is used such as; rhodamine (col. 68, lines 50-58). Therefore, it would have been obvious for one having ordinary skill in the art at the time the invention was made to utilize a fluorescent dyestuff compound, as stated supra by Oshima et al, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Regarding claims 5-6, Oshima discloses different fluorescent dyestuff, differing only slightly in absorption characteristics but significantly in emission characteristics, are used simultaneously (col. 55, lines 2-8).

Regarding claims 7-9, Gonzalez discloses bar codes and fluorescent dyestuffs are used for coding of information are used and the dyestuff is applied in a diffused pattern to the article (col. 3, lines 15-44 and col. 5, lines 1-11).

Regarding claim 10, Gonzalez discloses fluorescent dyestuff is applied by a printing process to the article (i.e. process for marking an article) (col. 1, lines 43-53).

Regarding claim 12, Oshima discloses the object is written on by incorporating fluorescent dyestuff into the object during the manufacturing process of the material of the object (see claims 1-2).

Regarding claim 21, Oshima discloses a method of evaluating coded information which has been coded (col. 60, lines 15-30).

6. Claims 13-14 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Oshima et al (US 6,303,929 B1)* in view of *Levasseur et al (US 5,903,339 A)*.

Regarding claim 13, Oshima discloses a device for evaluating coded information which has been coded by means of a fluorescent dyestuff (18) (See Fig. 39 and Fig. 40), comprising a detection chamber (25) (See Fig. 31); a plurality of light sources (27a)(27b)(27c) distributed over the inner surface (55) (See Fig. 39) and a plurality of detectors (34a)(34b)(34c) distributed over the inner surface (55) (See Fig. 40) and means for controlling light emission of the sources (See Fig. 31, col. 52, lines 23-39 and col. 57, lines 9-12). Oshima is silent with regards to the detection chamber having multiple inner surfaces. Levasseur discloses an apparatus for optical testing (i.e. bill validator) of transported bills, comprising a detector chamber (OS) (See Fig. 1) having inner surfaces (B); a plurality of light sources (120)(123) distributed over the inner surface (B); a plurality of detectors (121)(122)(124)(125) distributed over the inner surface (B) and means for controlling light emission of the sources (col. 5, lines 15-60).

Thus it would have been obvious to a person having ordinary skill in the art to modify Oshima et al to use a detector chamber with inner surfaces so as to enable a compact detector chamber to transport the object (i.e. bill) and evaluate the coded information.

awRegarding claim 14, Oshima discloses shielding against foreign light to avoid generating false information (col. 8, lines 32-46).

Regarding claim 19, Oshima discloses the light pulses are synchronized in time with the detector (detection unit) (93) (col. 61, lines 59-67 and col. 62, lines 1-11 and lines 39-57).

Regarding claim 20, Oshima discloses the light sources have a spectrum between 200 to 1800 nm (i.e. 700 to 1000) (col. 39, lines 15-20).

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Oshima et al* (US 6,303,929 B1) as applied to claim 13 above, and further in view of *Liang et al* (US 5,719,948 A).

Oshima et al. and Levasseur et al discloses all of the limitations of the parent claim 13, as described above. However, Oshima et al and Levasseur et al are silent with regards to the chamber coated with a reflecting material. Liang discloses an apparatus for fluorescent imaging and optical character reading wherein housing (200) holds and encloses element of the system, shielding the optical paths from stray light (col. 8, lines 41-60). Thus, it would have been obvious to a person having ordinary skill in the art to modify Oshima et al and Levasseur et al to provide a coating material within the chamber so as to enable well distributed light sources to illuminate the entire article.

### **Conclusion**


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Boosalis whose telephone number is 571-272-2447. The examiner can normally be reached on Monday thru Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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